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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,273	11/20/2001	William Robert Hanson	035451-0145 (3682.Palm)	9592
26371	7590	12/07/2005	EXAMINER	
FOLEY & LARDNER LLP 777 EAST WISCONSIN AVENUE SUITE 3800 MILWAUKEE, WI 53202-5308			SAWHNEY, HARGOBIND S	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 12/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No. 09/989,273	Applicant(s) HANSON ET AL.	
Examiner Hargobind S. Sawhney	Art Unit 2875	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 22 November 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-4, 6-19, 22 and 24-27.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_.

  
Stephen Husar  
Primary Examiner

## Continuation Sheet:

The Request for Reconsideration filed on November 22, 2005 to the final rejection has been considered but is not deemed to place the application in condition for allowance because applicant's arguments were not convincing. The responses included in the Final Office Action mailed on August 24, 2005 should be considered valid for the remarks included in the Reply under 37 CFR 1.116 filed on November 22, 2005. Responses to the applicant's remarks are briefly restated as follows:

Chen ('092) discloses a lighting system for a display (Figure 3) comprising:

- A reflective layer- combination of the fluorescent pigment layer 50 optically in contact with the reflecting layer 30- herein after referred as the reflecting layer 50,30 (Figure 3, column 3, lines 5-7 and 11-20). The fluorescent pigment layer 50 has been broadly interrelated as a coating when the layer is in optical contact with the reflection layer 30 (Chen).
- The phrase "interpose" has been interpreted as the phrase indicating relative positioning of any element. Chen ('092) teaches relative position of the fluorescent pigment layer, which has been broadly, interpreted as coating – thin layer -. Being in optical contact with each other, elements 30 and 50 are not considered optically and operationally separate components.
- Chen ('092), column 3, lines 53 to column 4, lines 17 describes the operational benefits of the use of fluorescent pigment layer, and method of applying the layer on a light- conductive plate. The above-indicated section of Chen ('092) does not describe the benefits of using fluorescent material only in a single layer.
- Regarding Claim 1, Chen ('092) teaches a light source including a reflective plate 30 in combination with a fluorescent pigment layer 50.

However, Chen ('092) does not disclose a light source including a reflective layer having phosphorescent pigments.

On the other hand, Baur et al. ('781) discloses an electro-optical display device (Figure 9) comprising a fluorescent plate 1a, and an additional phosphorescent coating - a layer 25 containing phosphorescent particles- (Figure 9, column 9, lines 5-10).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the lighting system of Chen ('092) by providing the phosphorescent coating as taught by Baur et al. ('781) for the benefits and advantages of amplifying the brightness of the display device, and for providing afterglow of the display after the device is switched-off.

As detailed above, Baur et al ('781) teaches that an additional phosphorescent coating applied on a fluorescent plate 1a. Thus, teaching of Baur et al. ('781) could be provided on the reflective coating of Chen ('092). Further, the motivation for the above- indicated modification includes amplification of brightness of the display device.

Please note that the benefit " amplification of brightness is identified by Baur et al ('781) in column 9, lines 3-5 and 11-21. As the above-indicated benefits of combining Chen ('092) and Baur et al ('781) have not been extracted from the instant application, the argument of "the combination based on improper hindsight" has been considered baseless.